

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ODELL DOBBS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

11-cv-663-bbc
10-cv-584-bbc
08-cr-102-bbc

Petitioner Odell Dobbs has filed a motion challenging his 2008 sentence for possessing with intent to distribute 50 grams or more of crack cocaine, in violation of 21 U.S.C. § 841(a)(1). He has filed also a motion for appointment of counsel. In a December 2, 2011 order, I stated that I could not consider petitioner's filing unless he clarified the nature of the submission; he has characterized his motion both as a motion for reconsideration under Fed. R. Civ. P. 60(b) of the court's dismissal of his previous § 2255 motion as well as a petition for a writ of habeas corpus under 28 U.S.C. § 2241. I gave petitioner until December 15, 2011 to provide clarification. He has failed to do so. Therefore, I will deny this motion and dismiss case no. 11-cv-663-bbc without prejudice for

petitioner's failure to prosecute it. Petitioner's motion for appointment of counsel will be denied as moot.

ORDER

IT IS ORDERED that

1. Petitioner Odell Dobbs's motion challenging his sentence, dkt. #1, is DENIED.
2. Petitioner's motion for appointment of counsel, dkt. #5, is DENIED as moot.
3. Case no. 11-cv-663-bbc is DISMISSED without prejudice to petitioner's refiling it at a later date.

Entered this 30th day of December, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge